

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**REDWING RANCH
SPECIAL USE PERMIT**

**Garfield County, Utah
Escalante Ranger District
Dixie National Forest
USDA Forest Service**

INTRODUCTION

The Escalante Ranger District of the Dixie National Forest has completed an Environmental Assessment (EA) documenting the analysis for issuance of a special use permit to Redwing Ranch. In December of 2001, the Escalante District received a Special Use Permit application from Redwing Ranch to amend their current permit to include an existing irrigation sediment-settling pond that was permitted in 1996. Also in that year (June 2001), unauthorized irrigation pipeline repair and facilities work occurred that created bare soil near and within the flood plains of Boulder Creek. The objective of this proposal is to re-vegetate and rehabilitate exposed banks and soil that resulted from the unauthorized work, accurately describe and permit the features associated with the irrigation system, and make appropriate adjustments to the Dixie National Forest LRMP land use allocation for Management Areas 9A and 5A.

This Special Use project is located northwest of Boulder, Utah along Boulder Creek. The legal description is: Sections 14 and 23, Township 33 South, Range 4 East, Salt Lake Base Meridian.

The EA for the Redwing Ranch Special Use Permit is a site-specific analysis that discloses the effects of implementing either the Proposed Action or the No Action alternative. An interdisciplinary team made up of Dixie National Forest employees determined the environmental effects. The analysis is documented in the EA, and is supported by the Project File located in the Escalante Ranger District office.

The EA was developed under the implementing regulations of the National Environmental Policy Act (NEPA); Council on Environmental Quality; Title 40, Code of Federal Regulations, Parts 1500-1508; the National Forest Management Act (NFMA); and Title 36, Code of Federal Regulations, Part 219. Further direction was provided in the Dixie National Forest Land and Resource Management Plan (LRMP).

DECISION

Based on the analysis documented in the Redwing Ranch Special Use Permit EA, it is my decision to implement the Proposed Action. This action will issue an amendment to the existing Special Use Permit, rehabilitate disturbed areas and amend the Dixie National Forest LRMP. The decision will also authorize related work at the irrigation pond, authorize related road and ROW actions, and authorize related site work. The Dixie National Forest LRMP amendment will move 4 acres of land from MA 5A (Big Game Winter Range) to MA 9A (Riparian Area Management) because of a mapping oversight in 1986. The complete Proposed Action description can be viewed in Chapters 1 and 2 of the EA.

During the public Comment and Review period and the subsequent on-site review, a commenter requested that the analysis should consider an alternative that would place the access road on private ground to the maximum extent possible. This request resulted in an alternative that was considered but eliminated from detailed study. I carefully considered this alternative, but because the existing road has been used for decades with no resource related problems, I could see no reason to pursue the alternative further. Additionally three other alternatives were considered but eliminated. One alternative would remove the facilities entirely from Forest Service administered lands (it was eliminated because it does not meet the purpose and need), another alternative would move the location of the irrigation pond (this was eliminated because the decision regarding pond location was previously made, on February 8, 1995). The final alternative would fence and gate Boulder Creek. I have eliminated this from detailed consideration because its implementation would simply result in unacceptable livestock concentration problems within riparian areas.

Because the actions meet the project purpose and need and because they are consistent with the Dixie National Forest LRMP, and because the ecological, social, and environmental effects are well within all resource parameters, I believe implementation of the Proposed Action is clearly the best choice. This alternative will properly authorize existing uses and will appropriately amend the Forest Plan.

The monitoring activities described in Appendix One will be implemented as part of this decision. Relevant mitigation measures have been described in Chapter 2, Section 2.4, and will also be implemented.

DECISION RATIONALE

The detailed analysis in Chapter 4 of the EA described how each alternative affects various resources within the area. Based on my close review of these effects, I have selected the Proposed Action because it best meets the purpose and need, it effectively addresses the resource problems identified in the area, and will have no harmful effects.

Specifically, I believe that selection of the Proposed Action is critical so that existing uses on National Forest System lands are properly permitted. I understand that there has

been some opposition to this permit amendment because of the unauthorized work that took place, but the administrative steps that were taken has led to full cooperation from the permittee as well as the willingness to perform all identified rehabilitation tasks. I am committed to fair administration and taking those actions that are needed to gain compliance. The proper permitting practice associated with this decision is an important step to achieving this end result.

I also feel strongly about properly correcting LRMP mapping errors. There is no doubt in my mind that this area of Boulder Creek should be designated as riparian management emphasis. Through selection of the Proposed Action, this section of Boulder Creek can now be correctly displayed as Management Area 9A.

The field trip that was held during the EA comment and review period did help me understand preferences from some of the interested parties. Although I am sensitive to the viewpoints expressed regarding retaining vegetation (trees) on the slope of the dam and the request for fencing the canyon, I am not willing to abandon the direction to follow standard engineering practices for dam construction and I am not interested in fencing Boulder Creek and creating a livestock concentration use problem.

The Proposed Action is consistent with the National Forest Management Act (NFMA) of 1976 in meeting the management requirements detailed in implementing regulations 36 CFR 219.27 (a), (b), (e), (f) and (g). Specifically, management actions for the Proposed Action provide for the protection of soil, water, air, wildlife, fisheries, and other multiple uses. Specific to the LRMP amendment that is part of this decision, I have thoughtfully reviewed this action and have carefully considered these factors.

- Timing – The change in correctly mapping the riparian area as 9A would take place immediately. Correcting the mapping error so that on site conditions are accurately reflected in the LRMP is not significant in this regard.
- Location and Size – This change will move 4 acres of Management Area 5A (Big Game Winter Range), to 4 acres of Management Area 9A (Riparian Management). It will actually place Boulder Creek into a 9A prescription rather than 5A. Given the context of Management Areas across the entire 1.9 million acres of the Dixie National Forest, the affected area is small.
- Goals, Outputs and Objectives – With this minor change, there are no foreseen changes in the level of outputs projected by the Forest Plan. This amendment would not forego any opportunities to achieve the outputs described.
- Management Prescription – This change will be permanent, and will become part of any future decisions associated with Boulder Creek. The changes however will not alter desired land conditions, and anticipated delivery of goods and services will not change.

Based on this review of the action and consideration for these circumstances, I have determined that this change in the forest plan is not significant.

No conflicts have been identified with other Federal, State and Local governmental agencies.

The Proposed Action complies with the Endangered Species Act.

No floodplains or wetlands will be affected as defined in Executive Orders 11988 and 11990.

The goal of NEPA is: "to achieve a productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man..." I believe that the Proposed Action meets this goal of harmonious balance for the reasons stated.

I have read the public comments and have noted that some of the letters received in response to the Comment and Review EA preferred abandoning the special use entirely. I have considered this alternative, but I have not selected it because it would not meet the Purpose and Need. This is also the reason that I have not selected the No Action alternative. The Purpose and Need Table in Chapter 2, page 14 clearly shows that in order to achieve the desired conditions, action is needed. I believe the best way to accomplish this is through the implementation of the Proposed Action.

PUBLIC INVOLVEMENT

Analysis of the Proposed Action was initiated through a public scoping process. On February 14, 2002 a scoping notice was mailed to a total of 121 interested individuals, organization, and governmental agencies. Eight responses were received. The IDT analyzed each comment of each response and no significant issues were identified.

On February 27, 2003 the Pre-decisional Environmental Assessment was released for 30 days for review and comment. There were five respondents to this notice. On March 31, 2003 some members of the IDT met with interested citizens on site to discuss the proposed project.

On July 1, 2003 the formal "Notice of Opportunity for Comment" was published in The Spectrum. The Proposed Action was also mailed to those parties who had previously responded. Five parties responded to this notice. All comment analysis and review is located in the project record.

ALTERNATIVES CONSIDERED IN DETAIL

Two alternatives, the Proposed Action and the No Action, were evaluated in detail. These alternatives represent a range of management strategies and outputs, and meet the Forest Plan and proposal objectives. A detailed description of the Proposed Action can

be found in Section 1.2, Chapter 1 pages 2-6 and in Section 2.3.2, Chapter 2, pages 10-12. A detailed description of No Action can be viewed in Section 2.3.1, Chapter 2, page 10. A Comparison Table showing both alternatives is located in Section 2.5, Chapter 2, page 14.

Four other alternatives were considered, but not analyzed in detail by the IDT (see Section 2.2.1, Chapter 2, pages 9 and 10 of the EA). There were:

- Placing the Reservoir on Private Ground.
- Permit Revocation and Rehabilitation.
- Placing the Access Road on Private Ground and Abandoning Portions of the Existing Access.
- Fencing and Gating Boulder Creek.

The first two considered but eliminated alternatives were developed based on comments received during the public scoping process. The alternatives that placed the access route on private ground and the alternative that would fence Boulder Creek were developed due to comments received during the 30 day Notice and Comment period for the EA as well as during the March 31, 2003 field trip. The rationale for eliminating these alternatives is discussed in the EA.

COMPLIANCE WITH THE LRMP, OTHER LAWS AND REGULATIONS

The Proposed Action is in compliance with the Dixie National Forest LRMP, the National Forest Management Act of 1976, and the Endangered Species Act. In addition, no wetlands or floodplains will be affected as defined in Executive Orders 11988 and 11990.

FINDING OF NO SIGNIFICANT IMPACT

I have determined that this action is not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based upon the following factors:

CONTEXT OF THE PROJECT:

The project will occur on a local level. No significant effects are expected to occur within this project area (EA, Chapter 4).

INTENSITY OF THE PROJECT:

Intensity refers to the severity of impact. The following ten factors were evaluated in determining the intensity of the effects of the proposed project.

1. Beneficial and adverse effects from the selected alternative (Proposed Action) are not significant. The effects described in the EA, Chapter 4, (pgs. 26-47) support this determination.
2. Public health and safety are not adversely affected by the selected alternative. This is documented in Section 4.10, Chapter 4, (pgs. 45-47) of the EA.
3. There are no areas within the project area or cumulative effects area, with unique geographic characteristics such as historical or cultural resources, parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas that are significantly affected by the selected alternative. This is documented in Chapter 3 of the EA, (pgs. 16, 17 and 25).
4. The effects of the selected alternative on the quality of the human environment are not highly controversial. These effects are disclosed in detail in the EA, Chapter 4, (pages 26-47).
5. There are no known effects on the human environment that are highly uncertain or that involve unique or unknown risks. All known effects are adequately discussed in the EA, Chapter 4 (pgs. 26-47), and were professionally determined and disclosed.
6. These actions do not set a precedent for any other projects that may be implemented to meet the goals and objectives of the LRMP. The selected alternative specifically addresses and takes measures to correct site-specific problems within the analysis area. The prescribed treatments are relative to this project only and do not set a precedent for these types of actions for vegetation treatment projects. The action is described in Chapter 2, pgs. 10-12.
7. There are no known significant cumulative effects between this project and other projects implemented or planned in the area. This is substantiated in the various cumulative effects discussions in Chapter 4 (pgs. 226-47) of the EA.
8. There are no known historic or cultural resources that will be affected. This is documented in Chapter 3, page 25 of the EA.
9. There are no known endangered, threatened, or sensitive plant or animal species within the project analysis area that will be adversely affected by the selected alternative. Relevant documentation is referenced in Chapter 3 (pgs. 15, 18-20) and Chapter 4 (pgs. 29-34) of the EA, and within the Biological Assessment and Biological Evaluation located in the Project File.
10. These actions do not threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment (EA, Chapter 4, pgs. 45-47).

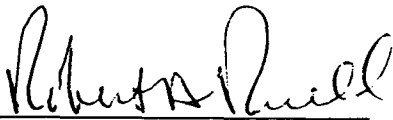
This conclusion is based on my review of the EA and my review of the public input that has been received for this project.

IMPLEMENTATION AND ADMINISTRATIVE REVIEW

This decision is subject to appeal pursuant to Forest Service Regulations at 36 CFR 215.7. Any written appeal must be postmarked or received by the Appeal Deciding Officer, Regional Forester, Jack Troyer, Intermountain Regional Office, 324 25th Street, Ogden, Utah 84401, 45 days following the date the legal notice of this decision was published in the Daily Spectrum newspaper, St. George, Utah. An appeal may also be filed electronically by sending the notice to: appeals-intermtn-regional-office@fs.fed.us within the same 45 day timeframe. Appeals must meet content requirements of 36 CFR 215.14.

This decision may be implemented no sooner than 5 business followings the close of the appeal filing period.

For additional information contact Kevin R. Schulkoski, District Ranger, Escalante Ranger District, Dixie National Forest, P.O. Box 246, Escalante, Utah 84726.



Robert A. Russell
Dixie NF Supervisor

10/20/23
Date